

AMENDMENT AND RESPONSE TO OFFICE ACTION

purposes of *Appeal*, the Examiner indicated that the amendments submitted after final would be entered.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-1868.

In the Claims

1. (Four times amended) A peptide having at least [8] 9 but fewer than 100 amino acids, which peptide comprises [an] the amino acid sequence [selected from the group consisting of] RMFPNAPYL (SEQ ID NO:1) [; a peptide comprising at least six consecutive amino acids of SEQ ID NO:1, and variants thereof wherein the side chains of one or two to the amino acids of SEQ ID NO:1 are altered], and wherein the peptide is capable of:

- (a) binding to HLA-A0201; or
- (b) being processed by an antigen presenting cell so that a fragment is produced which is able to bind to HLA-A0201.

Please cancel claim 4.

5. (Amended) A peptide according to claim [4] 1 wherein the peptide is capable of binding to HLA-A0201 and, when bound to HLA-A0201, the peptide-bound HLA-A0201 is capable of eliciting the production of a cytotoxic T lymphocyte (CTL) which recognises a cell which aberrantly expresses a polypeptide comprising the given amino acid sequence.

Please cancel claim 6.

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7. (Three times Amended) A peptide according to claim 1 consisting of the amino acid sequence RMFPNAPYL (SEQ ID NO:1).

19. (Three times Amended) A vaccine for a tumor cell in which HLA-A0201 is expressed and WT-1 is over expressed, the vaccine comprising a peptide according to claim 1 [cancer in which WT-1 is aberrantly expressed comprising a peptide having at least 8 but fewer than 100 amino acids, which peptide comprises an amino acid sequence selected from the group consisting of RMFPNAPYL (SEQ ID NO:1); a peptide comprising at least six consecutive amino acids of SEQ ID NO:1; and variants thereof wherein the side chains of one or two of the amino acids of SEQ ID NO:1 are altered].

Please cancel claim 43.

44. (Amended) The peptide of claim 1 consisting of from [8] 9 to 12 amino acids.

Please cancel claims 45-48.

Remarks

Claims 1, 5, 7, 15, 19 and 44 are pending. Claims 1, 5, 7, 19 and 44 have been amended. Claims 4, 6, 43, 45 and 46-48 have been canceled. Claim 1 has been amended and combined with claims 4 and 45 as previously pending. Claim 5 has been amended to provide proper antecedent basis and to refer to "an HLA-A0201-expressing cell" as the cell which an activated CTL recognizes. Support for this amendment can be found, for example, at page 3, lines 11-15, wherein the display of the peptide motif on the cell surface for CTL recognition, is dependent upon that cell expressing HLA-A0201. Claim 19 has been amended to specify that the cancer is HLA-A0201 positive and over expresses WT-1, as defined at page 3, lines 11-15 and page 9,